

RECEIVED  
CENTRAL FAX CENTER

JUN 25 2007

REMARKSI. General

The issues outstanding in the instant application are as follows:

- The disclosure is objected to for informalities;
- Claims 1-6 stand rejected under 35 U.S.C. §112, second paragraph; and
- Claims 1-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by anticipated by Bruchner et al., United States Patent Number 5,820,503 (hereinafter *Bruchner*).

Applicant respectfully traverses these rejections and requests reconsideration in light of the amendments presented above and the arguments presented below. Claims 1-13 are currently pending in this application.

II. Objections to the Disclosure

Applicant wishes to thank the Examiner for pointing out the typographical error appearing in line 19 of page 2 of the specification. This typographical error is corrected above.

III. Rejections under 35 U.S.C. §112, second paragraph

In the interest of avoiding the use of "improvement" language, which the Office Action seems to indicate renders claims 1-6 of the present application indefinite, Applicant has amended claims 1-6 above to direct these claims to a "locked-center idler" rather than an "improved locked-center idler" or "improvements," as previously claimed.

IV. Rejections under 35 U.S.C. § 102

As noted, claims 1-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Bruchner*. Applicant respectfully traverses these rejections for the reasons advanced below.

It is well settled that to anticipate a claim, a reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he elements must be arranged as required by the claim," see M.P.E.P. § 2131, citing *In re Bond*, 15 US.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical

invention must be shown in as complete detail as is contained in the . . . claim," see M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejections do not satisfy one or more of these requirements, as detailed below, particularly in light of the amendments presented above.

Independent claims 1 and 7, as amended, recite "a dual function fastener that fixes said idler to a mount and that frictionally engages said tension adjusting member to adjust tension of said pulley on a power transmission belt as said fastener is tightened to fix said idler to said mount." The amendments to these claims, made to clarify the nature of a "dual function fastener," as originally defined in the specification, are supported at least in the paragraph beginning on line 24 of page 4 of the present specification. Also, independent claim 13, is amended above to, recite "said dual function fastener frictionally engaging said tension adjusting member" and "applying tension to said power transmission belt by applying a tightening torque to said dual function fastener and thereby frictionally engaging and rotating said tension adjusting member." Applicant respectfully contends that *Bruchner* does not disclose at least the above recited elements of claims 1, 7 and 13.

The present Office Action asserts that "It is apparent that as the fastener (5/6) fixes the idler to the mount, the bearing mount (3) will actually rotate in the direction of the turning action of the fastener due to frictional torque between the contact surfaces of the fastener and the bearing mount thereby inherently tensioning on the belt."

However, at column 3, lines 29-33, *Bruchner* describes providing final tension by stating: "With the help of a wrench applied to the wrench-application surface 12, the bearing pin 3 is then turned around the eccentric 5 in anti-clockwise direction beyond the top dead center of the bearing pin 3" (emphasis added). Later in the same paragraph, *Bruchner* describes "that the bearing pin 3 does not need to be held tight till it is fixed on the protective plate by tightening the screw 5." Thus, it is apparent that *Bruchner* does not teach "that as the fastener (5/6) fixes the idler to the mount, the bearing mount (3) will actually rotate in the direction of the turning action of the fastener due to frictional torque between the contact surfaces of the fastener and the bearing mount thereby inherently tensioning on the belt." Rather, it is clear from the teachings of *Bruchner*, beginning on line 14 of column 3, that bearing pin 3 is free to rotate until it is rotated anticlockwise (in the loosening direction for screw 5) using wrench flats 12, to its final tensioning

position, where it is then fixed to plate 1 using screw 5. Thus, screw 5 of *Bruchner* does not frictionally engage a tension adjusting member to adjust tension of a pulley on a power transmission belt, or the like, as claimed by the present independent claims.

For at least the foregoing reasons, *Bruchner* fails to teach all elements of independent claims 1, 7 and 13, particularly as amended. Hence, Applicant respectfully asserts that at least for at least the above reasons independent claims 1, 7 and 13 are patentable over the 35 U.S.C. § 102 rejections of record. Furthermore, there are great differences between claim 1, 7 or 13 and the art of record, and a person of ordinary skill in the art considering the prior art would not find these differences obvious.

Claims 2-6 each ultimately depend from independent claim 1 and claims 8-12 each ultimately depend from independent claim 7. Thus, each of claims 2-6 and 8-12 inherit all elements of claims 1 and 7, respectively. Therefore, for at least the reasons advanced above in addressing the anticipation rejection of claims 1 and 7, each of claims 2-6 and 8-12 set forth features and elements not recited by *Bruchner*. Hence, Applicant respectfully asserts that claims 2-6 and 8-12 are also patentable over the 35 U.S.C. § 102 rejection of record.

Furthermore, many of claims 2-6 and 8-12 contain elements not taught or suggested by *Bruchner*. For example, even if *Bruchner* could be said to teach or suggest a tension adjusting member comprising a reaction friction surface and a resistance friction surface as recited in claims 3 and 9, *Bruchner* clearly fails to teach or suggest that the reaction friction surface cooperates with a reaction mating surface of a dual function fastener to produce a reaction torque upon said tension adjusting member greater than a resistance torque produced by a cooperation of the said resistance friction surface with a mounting surface, such as recited in claims 4 and 10. Clearly any reaction torque produced by friction of head 6 of bolt 5 of *Bruchner* with pin 3 would not be greater than the friction between the base and plate 1. Thus, at least dependent claims 4 and 10 are further patentable over the rejections of record.

## V. Conclusion

For all the reasons presented above, the pending claims, at least as amended above, distinguish over the prior art of record under 35 U.S.C. § 102 and, comply with the provisions of

35 U.S.C. §112. Accordingly, Applicant submits that this application is in condition for full allowance.

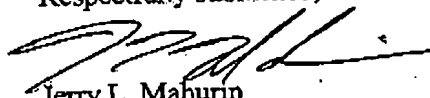
Applicant believes no fee is due with this response as it is being filed on the first Monday following the due date of June 23, 2007, which fell on a Saturday. However, if a fee is due, please charge Deposit Account No. 07-0475, from which the undersigned is authorized to draw.

Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes that the attorney can helpful in resolving any remaining issues or can otherwise be helpful in expediting prosecution of the present application.

Date: June 25, 2007

JLM  
Denver, Colorado

Respectfully submitted,



Jerry L. Mahurin  
Attorney for the Applicant  
Reg. No. 34,661  
The Gates Corporation  
IP Law Department 10-A3  
1551 Wewatta Street  
Denver, CO 80202  
(303) 744-5796